

**IN THE UNITED STATES DISTRICT  
FOR THE EASTERN DISTRICT OF MISSOURI**

ARGONAUT GREAT CENTRAL INSURANCE COMPANY,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Cause No.: 4:17-cv-762
	)	
LINCOLN COUNTY, MISSOURI,	)	
SERGEANT RYAN J. McCARRICK,	)	
DETECTIVE MICHAEL MERKEL,	)	
DETECTIVE PATRICK HARNEY,	)	<b>JURY DEMANDED</b>
PROSECUTING ATTORNEY LEAH ASKEY,	)	
and RUSSELL SCOTT FARIA,	)	
	)	
Defendants.	)	

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**PLAINTIFF’S MOTION TO PARTIALLY STRIKE**  
**LINCOLN COUNTY DEFENDANTS’ MEMORANDUM IN SUPPORT OF THEIR**  
**MOTION FOR JUDGMENT ON THE PLEADINGS**  
**OR, IN THE ALTERNATIVE, FOR LEAVE TO FILE MEMORANDUM IN**  
**OPPOSITION IN EXCESS OF FIFTEEN PAGES**

COMES NOW Plaintiff, Argonaut Great Central Insurance Company (“AGCIC”), by its attorneys, Foley & Mansfield, P.L.L.P., and for its Motion to Partially Strike Defendants Lincoln County, Ryan McCarrick, Patrick Harney, and Leah Askey’s (“Lincoln County Defendants”) Memorandum in Support of Their Motion for Judgment on the Pleadings or, in the alternative, For Leave for Plaintiff to File a Memorandum in Opposition in Excess of Fifteen Pages, states as follows:

1. The Lincoln County Defendants filed their Motion for Judgment on the Pleadings on March 9, 2018 (Doc. 74) as well as a Memorandum in Support of their motion (Doc. 74-1).
2. Their Memorandum in Support is twenty-three (23) pages in length, excluding the certificate of service. (*See* Doc. 74-1).

3. Rule 7-4.01(D) of the Local Rules of the Eastern District of Missouri requires that “No party shall file any motion, memorandum or brief which exceeds fifteen (15) numbered pages, exclusive of the signature page and attachments, without leave of Court.” (Local Rule 7-4.01(D)).

4. The Lincoln County Defendants did not request or obtain leave to file a memorandum in excess of fifteen (15) pages.

5. On the same date that the Lincoln County Defendants filed their motion, Defendant Michael Merkel (“Merkel”) filed a Motion for Judgment on the Pleadings which incorporates by reference the Lincoln County Defendants’ Motion for Judgment on the Pleadings. (Doc. 80).

6. Also on the same date that the Lincoln County Defendants filed their motion, AGCIC filed its Motion for Summary Judgment (Doc. 75) along with a Memorandum of Law in Support of its Motion for Summary Judgment (Doc. 76). AGCIC’s Memorandum of Law is fifteen (15) pages in length. (*See* Doc. 76).

7. The deadline for motions for summary judgment and motions for judgment on the pleadings was March 9, 2018, pursuant to this Court’s Case Management Order. (Doc. 51).

8. AGCIC will suffer prejudice unless the instant Motion is granted, because the Lincoln County Defendants submitted (8) pages of legal arguments more than AGCIC would be allowed to include in its memorandum in opposition, according to the Local Rules. Those additional pages in the Lincoln County Defendants’ Memorandum include substantive legal arguments including analysis of case law, statutory authority, and the relevant pleadings.

9. Furthermore, AGCIC’s compliance with this Court’s Local Rules should not create a disadvantage to AGCIC.

10. This Court has the authority to strike documents that were filed in violation of the Local Rules. (*See Baranski v. United States*, No. 4:11-CV-123 CAS, 2015 WL 7720557, at \*1 FN2 (E.D. Mo. Nov. 30, 2015)) (noting that this Court has previously chosen “to strike documents that were filed in violation of the Local Rules or for filing error, whether on its own initiative or on motion of a party.”).

11. For these reasons, AGCIC respectfully requests that this Court strike pages sixteen (16) through twenty-three (23), exclusive of the signature block, of the Lincoln County Defendants’ Memorandum in Support of Their Motion for Judgment on the Pleadings.

12. In the alternative, AGCIC respectfully requests that this Court grant leave for AGCIC to file a memorandum in opposition to the Lincoln County Defendants’ Motion that is up to twenty-three (23) pages in length, if needed by AGCIC, which is the same length as the Lincoln County Defendants’ memorandum of law.

WHEREFORE, Plaintiff, Argonaut Great Central Insurance Company respectfully requests this Court to strike pages sixteen through twenty-three, exclusive of the signature block, of the Lincoln County Defendants’ Memorandum in Support of their Motion for Judgment on the Pleadings. In the alterative, Plaintiff respectfully requests that this Court grant Plaintiff leave to file a memorandum in opposition to the Lincoln County Defendants’ Motion that is up to twenty-three (23) pages in length, if needed by AGCIC. Plaintiff also requests this Court grant such further relief as is just and proper.

Respectfully submitted,

**FOLEY & MANSFIELD, P.L.L.P.**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on March 26, 2018 a true and accurate copy of the foregoing document was filed with the United States District Court for the Eastern District of Missouri by way of the Court's CM/ECF system which sent notification to all parties entitled to service.

/s/ Jeremy T. Staley